

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

IN THE MATTER OF THE APPLICATION  
FOR A WARRANT AUTHORIZING THE  
INSTALLATION AND MONITORING OF  
A TRACKING DEVICE IN OR ON A  
PACKAGE PURPORTING TO CONTAIN A  
HORSESHOE RETICLE AND AN  
ILLUMINATED RETICLE

Case No. 1:19-mj-186-01-AJ

**Filed Under Seal**

**MOTION TO DELAY NOTICE**

The United States of America requests that the Court, pursuant to 18 U.S.C. § 3103a(b) and Fed. R. Crim. P. 41(f)(3), delay for a period of 30 days after the end of the authorized period of tracking (including any extensions thereof) the issuance of the notice that is required by Fed. R. Crim. P. 41(f)(2)(c) or at least to on or about November 11, 2019.

The United States has requested the issuance of a tracking order pursuant to Fed. R. Crim. P. 41 and 18 U.S.C. § 3117. This tracking order has been requested as part of an ongoing investigation into narcotics trafficking activities. Pursuant to Fed. R. Crim. P. 41(f)(2)(c), the United States is required to provide notice to the person whose property was tracked within ten days after the use of the tracking device has ended. However, the Court is authorized to delay notice pursuant to Fed. R. Crim. P. 41(f)(3).

In assessing whether to authorize delayed notice, the Court should consider the factors set out in 18 U.S.C. § 3103a(b). Here, the requested delay is necessary to avoid an adverse result. Premature disclosure of the existence of this tracking order and the government's investigation could cause the targets of the investigation to flee, destroy evidence or otherwise obstruct justice and hinder the success of the government's investigation. 18 U.S.C. § 3103a(b)(1). The

warrant in this case is a tracking order and does not authorize the seizure of any tangible property or other information. Thus, the property being seized is limited to items that are reasonably necessary. 18 U.S.C. § 3103a(b)(1). The delay being sought is limited to 30 days after the end of the authorized period of tracking. This limited delay is only 20 days more than authorized by Fed. R. Crim. P. 41(f)(2)(c). This is a reasonable period under the facts of this case, which involves an ongoing investigation into a narcotics trafficking organization. 18 U.S.C. § 3103a(b)(1).

For the same reasons, the United States requests that all documents related to this matter shall remain under seal during the time period when notice has been delayed.

For all of these reasons, the United States requests that the Court issue an order delaying the required notice under Fed. R. P. Crim. 41(f)(2)(c) and maintaining this matter under seal for a period of 30 days following the end of the authorized period of tracking (including any extensions thereof) to at least on or about November 11, 2019.

Respectfully submitted,

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